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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/099,643	03/15/2002	George Koppich	66329/14868	2223
23380	7590	11/16/2004		
TUCKER, ELLIS & WEST LLP 1150 HUNTINGTON BUILDING 925 EUCLID AVENUE CLEVELAND, OH 44115-1475			EXAMINER JENKINS, KIMBERLY YVETTE	
			ART UNIT 2635	PAPER NUMBER

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	KOPPICH, GEORGE
	10/099,643		
	Examiner Kimberly Jenkins	Art Unit 2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 15 March 2002.  
 2a) This action is **FINAL**.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453.O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-20 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 15 March 2002 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>15 March 2002</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Drawings*

1. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, then the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Specification*

2. The disclosure is objected to because of the following informalities: pg. 5, line 9 "...part o the keypad 20". Examiner believes that the word is supposed to be "of".

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 7-11, 14-16 and 19-20 rejected under 35 U.S.C. 102(b) as being anticipated by Jones (US 5859642).

Regarding claim 1, Jones, who teaches a virtual button interface, discloses a keypad comprising a plurality of keys (a panel of buttons) each having at least one predetermined function for a respective plurality of selective operations (col. 1, lines 60-67); and an indicating arrangement for identifying a selected one of the plurality of keys (col. 2, lines 47-51).

Regarding claim 2, Jones teaches the keypad wherein the indicating arrangement indicates an active operational state of the selected key in that which the indication is highlighting (col. 2, lines 23-25 and Fig. 3).

Regarding claims 3 and 4, Jones teaches a color means for producing a predetermined color on the selected key wherein the indicating arrangement comprises actuatable and an illumination element (col. 3, lines 6-9).

Regarding claims 7, 14 and 19, Jones teaches a keypad wherein the indicating arrangement comprises at least one virtual key (virtual button) selectively programmable to emulate at least one predetermined function of the selected key (col. 3, lines 36-41).

Regarding claim 8, Jones teaches the virtual key is displaced from the plurality of keys in that which the virtual key may be moved by the user opposed to being fixed to a panel of keys (col. 2, line 66 – col. 3, line 1).

Regarding claims 9-11, Jones teaches the indicating arrangement further comprises means for producing a visible distinction on at least one of the selected key and the virtual key (col. 3, lines 6-9).

Regarding claims 15 and 16, Jones teaches the indicating arrangement further comprises means for producing a visible distinction on at least one of a predetermined virtual key and its respective counterpart selected key (col. 3, lines 24-33 and 49-54).

Regarding claim 20, Jones teaches a plurality of keys each having at least one predetermined function for a respective plurality of selective operations (col. 1, lines 60-67); and an indicating arrangement for identifying a selected one of the plurality of keys (col. 2, lines 47-51), wherein the indicating arrangement comprises at least one virtual key selectively programmable to emulate the at least one predetermined function of the selected key (col. 3, lines 36-41).

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-6, 12-13, and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Beaton et al. (US 6037937).

Regarding claims 5 and 12, Jones teaches an indicating arrangement wherein the indication of the selected key is a luminous highlighted display (col. 2, lines 47-51); however, Jones does not disclose a means for displaying indicia on the selected key.

However, Beaton, who teaches a navigation tool for graphical user interface (GUI), teaches an indicating arrangement wherein the displaying indicia is in the form of a liquid crystal display (LCD) with a backlight of the display module 470 (col. 4, lines 35-38). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the displaying indicia of Beaton into the display of Jones, because Jones teaches a

luminous display of the selected key, whereas Beaton teaches an LCD on the touch screen, which displays information in response to a selected key.

Regarding claims 6 and 13, Jones teaches keypad (panel of buttons) of a computer, which is known to comprise displaying indicia comprises an actuatable alphanumeric display (col. 1, lines 47-49 and 60-67).

Regarding claims 17 and 18, Jones teaches the means for producing a visible distinction of color and/or illumination (col. 2, lines 47-51); however, Jones does not disclose a means for actually selecting from at least one of differences in color and illumination.

However, Beaton discloses a means for selecting from at least one of differences in color and illumination (col. 5, lines 22-24). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a means of selecting differences in color and/or illumination as Beaton teaches into the visible distinction mean of Jones, because Jones teaches that color and illumination indicates a selected key, whereas Beaton teaches a means to select variations of color and/or illumination as a means to make visibility more suitable for the user.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly Jenkins whose telephone number is 571.272.3064. The examiner can normally be reached from Monday - Friday between the hours of 7am - 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703.305.4704. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kimberly Jenkins  
Examiner  
Art Unit 2635  
2 November 2004

KYJ

MICHAEL HORABIK  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

